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| APPLICATION NO.               | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------|-------------|----------------------|---------------------|------------------|
| 09/883,278                    | 06/19/2001  | Koji Sakai           | 1248-0544P-SP       | 9443             |
| 2292                          | 7590        | 10/18/2005           | EXAMINER            |                  |
| BIRCH STEWART KOLASCH & BIRCH |             |                      | HO, DUC CHI         |                  |
| PO BOX 747                    |             |                      | ART UNIT            |                  |
| FALLS CHURCH, VA 22040-0747   |             |                      | PAPER NUMBER        |                  |
|                               |             |                      | 2665                |                  |
| DATE MAILED: 10/18/2005       |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/883,278

Applicant(s)

SAKAI ET AL.

Examiner

Duc C. Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-17 and 19-21 is/are allowed.
- 6) ☒ Claim(s) 1-8, 12 and 14 is/are rejected.
- 7) ☒ Claim(s) 9-11 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 10-14-05.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-8, 12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Gulick et al. (US 5,048,012), hereinafter referred to as Gulick.

Regarding claim 1, Gulick discloses data link controller with flexible multiplexer.

*When the information waveform signal consecutively repeats a single pattern* (when frames are not being transmitted over the link provided by DLC 52-fig. 2, the link is said to be idle. In other words, the link is inherently occupied by an idling waveform, see col. 7, lines 52-62, fig. 2-3), *a different pattern is inserted between the same patterns before transmitting the single patterns* (when the link is idle, the DLC transmitter 102-fig. 3 can be programmed by microprocessor 18-fig.3 to send an all ONEs pattern, which is referred to as Mark Idle(MI) for transmission of the idle status).

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Regarding claim 2, the Data link controllers (DLCs) are used in integrated services digital networks (ISDNs) to provide a high-speed 192 kilo-bit per second (KBPS) serial interface to a telecommunications network.

Regarding claim 3, the microprocessor 18-fig.3 can be programmed to send the MI at random interval.

Regarding claim 4, the microprocessor 18-fig.3 can be programmed to send the MI at fixed interval.

Regarding claim 5, the microprocessor 18-fig.3 could select another idling pattern, i.e. Flag Idle (FI), see col. 7, lines 52-62.

Regarding claim 6, the MI pattern is considered as a code indicative of an idling state on the link.

Regarding claim 7, the FI pattern is a code different from the MI code representing the idling status.

Regarding claim 8, the MI pattern is considered as a code indicative of an idling state on the link.

Regarding claim 12, when the link is inherently occupied by an idling waveform, the MI pattern, inherently obtained the same transmission timing as that of an idling waveform representing the idling information, is used for transmission on that link, see col. 7, lines 52-62, fig. 2-3.

Regarding claim 14, the system of Gulick is capable of utilizing an optical signal.

Regarding claim 18, this claim has similar limitations as claim 1. Therefore, it is rejected under Gulick for the same reasons set forth in the rejection of claim 1.

*Allowable Subject Matter*

3. Claims 15-17, and 19-21 are allowed.
4. Claims 9-11, and 13 are objected to as being independent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

A handwritten signature in black ink, appearing to read "Duc Ho", with a long horizontal stroke extending to the right.

Duc Ho

10-14-05